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OFFICE OF PETITIONS

In re Application of :
John D. Puskas :
Application No. 10/672,586 :
Filed: September 26, 2003 :
Attorney Docket No. 16294-0137 (52433-292707) :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This file is being forwarded to Technology Center Art Unit 3762, for review of the Election filed July 2, 2004.

Inquiries related to this communication should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
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Frances Hicks
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